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FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 17 2010 ★

August 13, 2010

Via Fax 718-613-2623

BROOKLYN OFFICE

The Honorable Marilyn D. Go
United States Magistrate Judge
Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Lowenstein*
10 Cr. 583 (DLI)

Dear Judge Go:

S/MDG

USMJ
8/13/10

*Application granted. The
time to post the \$20,000 cash
with the Clerk of the Court
is extended to 8/20/10.
So ORDERED.*

I write to request an amendment to Seth Lowenstein's conditions of bail which were initially set by the Honorable Ramon E. Reyes on August 9, 2010, and then amended last night, August 12, 2010. We seek an extension of until Friday, August 20, 2010 for Mr. Lowenstein to deposit with the Clerk of the Court \$20,000.00 as ordered as a condition of his release. All other conditions have been met or are in the process of being met¹.

As per the Release Order (enclosed), Mr. Lowenstein was to deposit a check in the amount of \$20,000.00 by August 11, 2010. Judge Reyes endorsed my letter to the Court requesting an extension until next Wednesday to deposit the \$20,000.00². Judge Reyes in his endorsement permitted Mr. Lowenstein until Monday to accomplish this condition of bail. At the time, we believed that Mr. Lowenstein would be able to accomplish this today. He has tried but it

¹Mr. Lowenstein is on home detention which is currently connected to a cell-phone. On Sunday, Mr. Lowenstein is scheduled to have a land line installed to enable his monitoring to be controlled by a land line telephone.

²Mr. Lowenstein tried to pick-up the check on August 11, 2010 but the woman who was holding the check was not in the office that day.

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can not be accomplished until next Friday.

The check in question was cut by Mr. Lowenstein's employer as a loan against Mr. Lowenstein's 401K. It was understood by the undersigned after discussions with his employer and his prior counsel Fred Cohen, Esq. that the employer made the check payable to the Clerk of the Court. Mr. Lowenstein was under the same belief as was Assistant United States Attorney John Nowak. Unfortunately, when Mr. Lowenstein went to pick-up the check today, he learned that the check was made payable to him and was for an amount in excess of \$20,000.00. Mr. Lowenstein has deposited the check in his bank and the bank informed him that it will take until next Friday for the check to clear. I enclose a copy of the check which was supplied to me by Pretrial Services Officer, Anna Lee, to whom Mr. Lowenstein showed the check as well as the deposit slip Mr. Lowenstein provided to Ms. Lee.

Accordingly, we respectfully request the conditions of bail be amended to permit Mr. Lowenstein until the close of business on Friday, August 20, 2010 to deposit a certified or bank check made payable to the Clerk of the Court in the amount of \$20,000.00.

Respectfully submitted,



Donna R. Newman

cc: AUSA John Nowak via Fax

PTO Anna Lee via Fax

United States District Court
EASTERN DISTRICT OF NEW YORK

FILED

UNITED STATES OF AMERICA

IN CLERK'S OFFICE ORDER SETTING CONDITIONS
U.S. DISTRICT COURT E.D.N.Y. RELEASE AND BOND

★ AUG 12 2010 ★

Case No.: 10 CR 583 (DLI)

Seth Lowenstein

Defendant

BROOKLYN OFFICE

RELEASE ORDER

It is hereby ORDERED that the above-named defendant be released as follows, subject to the Standard Conditions of Bond on the reverse and:

- ☐ Upon Personal Recognizance Bond on his/her promise to appear at all scheduled proceedings as required, or
☒ Upon Unsecured Bond executed by defendant in the amount of \$ _____, or \$ 500,000
☐ Upon Secured Appearance Bond as provided herein.

Additional Conditions of Release

Upon finding that release under the standard conditions detailed on the reverse will not by themselves reasonably assure the appearance of the defendant and the safety of other persons and the community, IT IS FURTHER ORDERED that the defendant is subject to the following additional conditions of release:

- ☒ 1. The defendant must remain in and may not leave the following areas without Court permission: EDM / SDM /
☐ 2. The defendant shall avoid all contact and not associate with any of the following persons or entities: _____
☐ 3. The defendant shall avoid and not go to any of the following locations: _____
☒ 4. The defendant shall surrender any and all passports to the U.S. Pretrial Services Agency by 8/12/10 and shall not apply for any other passport.
☒ 5. Defendant is placed under the express supervision of the Pretrial Services Agency, subject to the Special Conditions on the reverse, if applicable, and
☒ is subject to random visits by a Pretrial Services officer at defendant's home and/or place of work;
☒ must report to that agency () in person _____ times per _____ and/or () by telephone _____ times per _____
☒ is subject to home detention with electronic monitoring with the following conditions: except for court appearances, attorney visits, medical emergencies + religious service on Saturday
☐ must undergo () random drug testing () evaluation and/or () treatment for: () substance abuse () alcoholism () mental health problems
☐ must pay the cost of treatment and/or electronic monitoring by with personal funds and/or insurance.
☐ 6. Other Conditions: as directed by pre-trial.

APPEARANCE BOND

The undersigned defendant and sureties jointly and severally acknowledge that I/we and my/our personal representatives, jointly and severally, are bound to pay to the United States of America the sum of \$ 500,000. The undersigned agree(s) that this obligation is secured with his/her/their interest in the following property ("Collateral") which he/she/they represent is/are free and clear of liens except as otherwise indicated:

- ☒ cash deposited in the Registry of the Court the sum of \$ 20,000 > by 8/11/10
☐ premises located at: _____ owned by _____
☐ I/we also agree to execute a confession of judgment in form approved by the U.S. Attorney which shall be duly filed with the proper local and state authorities on or before _____

☐ Other Conditions: _____

X [Signature] Address: X 20 MALLARD LN SEAN NJ 07712

Surety

Address: _____

Surety

Address: _____

The Court has advised the defendant of the conditions of release per 18:3142(h)(1) and (h)(2). This bond is conditioned upon the appearance of the defendant and is subject to the Standard Conditions of Bond set forth on the reverse. If the defendant fails to appear as ordered or notified, or any other condition of this bond is not met, this bond shall be due forthwith.

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth on the reverse of this form.

Release of the Defendant is hereby ordered on 8/11/10 2010

[Signature]
Signature of Defendant

Distribution: White-Original USM Canary - Courtroom Deputy Pink - Pretrial Services Goldenrod - Defendant